

1 BILL NO. S-87-04-21

2 SPECIAL ORDINANCE NO. S-9187

3 AN ORDINANCE approving the Contract  
4 for Resolution 442-1987, Hawthorne-  
5 McClellan Storm Sewer, between  
6 Land Excavating, Inc., and the  
City of Fort Wayne, Indiana, in  
connection with the Board of Public  
Works and Safety.

7 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL  
8 OF THE CITY OF FORT WAYNE, INDIANA:

9 SECTION 1. That the Contract for Resolution 442-1987,  
10 Hawthorne-McClellan Storm Sewer, by and between Land Excavating,  
11 Inc., and the City of Fort Wayne, Indiana, in connection with  
12 the Board of Public Works and Safety, for:


13 the following: Main Line: Begin-  
14 ning at an existing 24" storm sewer  
located 44+ L.F. north of the center-  
15 line of Paulding Road and 11+ L.F.  
east of the centerline of McClellan  
Street; thence north 220+ L.F.  
16 to structure #1; thence north 217+  
L.F. to structure #2; thence east  
17 150+ L.F. to structure #3; thence  
east 150+ L.F. to structure #4;  
18 thence east 175+ L.F. to structure  
#5; thence east 145+ L.F. to struc-  
19 ture #6; thence south 150+ L.F.  
to structure #7 and the end of  
20 the main line. Lateral #1: Be-  
ginning at proposed structure #2;  
21 thence west 195+ L.F. to structure  
#8; thence west 128+ L.F. to struc-  
22 ture #9 and the end of Lateral  
#1; (The total cost of said Storm  
23 Sewer improvement project shall be  
paid by funds from the City of  
24 Fort Wayne Sewer Utility.) Said  
sewers shall be 12", 15", 18",  
25 and 24" in diameter;

26 the Contract price is One Hundred Sixteen Thousand Eighty-Two  
27 and 15/100 Dollars (\$116,082.15), all as more particularly set  
28 forth in said Contract, which is on file in the Office of the  
29 Board of Public Works and Safety and, is by reference incorporated  
30 herein, made a part hereof, and is hereby in all things ratified,  
31 confirmed and approved. Two (2) copies of said Contract are  
32 on file with the Office of the City Clerk and made available  
33 for public inspection, according to law.

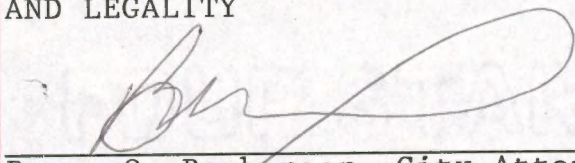


1 Page Two

2 SECTION 2. That this Ordinance shall be in full force  
3 and effect from and after its passage and any and all necessary  
4 approval by the Mayor.

5  
6   
Councilmember

7 APPROVED AS TO FORM  
8 AND LEGALITY

9   
10 Bruce O. Boxberger, City Attorney  
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Read the first time in full and on motion by Redd  
seconded by Bradbury, and duly adopted, read the second time  
by title and referred to the Committee City of Fort Wayne (and the Ci  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Way  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ .M., E.

DATE: 4-14-87

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Redd  
seconded by Bradbury, and duly adopted, placed on its  
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 4-28-87

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort  
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 59187  
on the 28th day of April, 19 87,

ATTEST:

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

(SEAL)

Mark E. GiaQuinta  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,  
on the 29th day of April, 19 87,  
at the hour of 11:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 1st day of May,  
19 87, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR



**BOARD OF PUBLIC WORKS and SAFETY  
INVITATION FOR BIDS/AWARD OF CONTRACT\*  
(Non-Federally Assisted Construction)**

**PROJECT:** Hawthorne - McClellan Storm Sewer

**Contract No.** 442-1987

**CONTENTS**

**Resolution No.** 442-1987

Check if Contained	Pages	
	1	Cover Sheet
X	A/1 - A/2	Advertisement for Bids
X	I/1 - I/9	Instructions to Bidders
X	S/1 - S/2	Schedule
X	SI/1	Schedule of Items
	S/	Notes 1 and 2
X	NCA/1	Non-Collusion Affidavit
X	BB/1	Bidder's Bond
X	PS/1	Certificate in Lieu of Financial State- ment Form 96A
X	PB/1-PB/2	Specimen Form-Payment Bond
X	PGB/1-PGB2	Specimen Form-Perfor. & Guaranty Bond
X	GP/1-GP/7	General Provisions
X	WS/1-WS/3	Prevailing Wage Rates-State of Indiana
X	SP/1-SP/3	Special Project Specifications

**ATTACHMENTS**

X		Project Plans Drawing # SY-11186
		General Specifications and Conditions
		Detail Standard Construction Standards
		WPCE Department, City of Fort Wayne
X	EA/1-EA/4	Escrow Agreement
	RW/1	Right-of-Way Cut Permit
X	NP/1	Notice to Proceed
X		Change Order - Specimen Form

DISCOUNT for PROMPT PAYMENT (See Gen. Prov)	10 CALENDAR DAYS _____ %	20 CALENDAR DAYS _____ %	30 CALENDAR DAYS _____ %	OTHER _____ %
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ACKNOWLEDGEMENT of AMENDMENTS	Amendment No. 1	Date	Amendment No. 2	Date

\*\*\*\*\*

**BID SUBMITTED**

Land Excavating, Inc.

**Contractor**

**By:**

**Its** Jack Braun, President

**Offer**

**Date** March 25, 1987

Bidder agrees to keep bid open for accep-  
tance for \_\_\_\_\_ (90 days unless  
otherwise specified)

**Compliance** J. Adams

**O.C.2/85**

**R.O.W. Non-Fed. Water**

**ACCEPTANCE OF BID/AWARD OF CONTRACT**

**CITY OF PORT WAYNE**

**Board of Public Works & Safety**

**CITY OF PORT WAYNE**

**Win Moses, Jr., Mayor**

**AWARD**

**Date** 4-1-87



Minority Business Enterprise (MBE) is a business of which at least 51% is owned and controlled by minority group members. ("Minority" means Black, Hispanic, American Indian, Asian, Pacific Islander, and Alaskan Native). The minority owners must exercise actual day-to-day management, as well as actively participate in management and policy decisions affecting the business. The contribution of capital, equipment or expertise made by the minority owners must be real, substantiated and documented.

Women Business Enterprise (WBE) is a business of which at least 51% is owned and controlled by women. The women owners must exercise actual day-to-day management, as well as actively participate in management and policy decisions affecting the business. The contribution of capital, equipment or expertise made by the women owners must be real, substantiated and documented.

The contract for which this proposal/bid is prepared is governed by the MBE/WBE Ordinance. This form must be completed in order to be responsive to this IFB/RFP. If the participation goal of 7% for MBE and 2% for WBE are not met or exceeded in your bid or proposal, the reasons for this failure and reasonableness and good faith of efforts to meet this goal shall be evaluated in determining whether the bidder/offeree is responsible.

A list of possible MBE/WBE contractors/suppliers are on file in the Compliance Office, Room 800, City-County Building, for Contractor review.

THE FOLLOWING IS THE UNDERSIGNED'S COMMITMENT TO THE MBE/WBE GOALS OF THE CITY FOR WORK DONE PURSUANT TO THIS CONTRACT:

- A. \_\_\_\_\_ The undersigned firm certifies that it is an MBE/WBE Contractor (cross out inapplicable provision).

For MBE specify percentage of minority ownership  
\_\_\_\_\_ %.

For WBE specify percentage of women ownership  
\_\_\_\_\_ %.

- B. \_\_\_\_\_ The undersigned certifies that they are a joint venture in which the following (MBE/WBE) firm \_\_\_\_\_ (cross out inapplicable provision) is a joint venture partner.



The MBE/WBE firm (cross out inapplicable provision) shall have \_\_\_\_\_% participation (employees) \_\_\_\_\_% participation (costs) in this project.

Specify the percentage of minority/women ownership in the MBE/WBE firm \_\_\_\_\_%. (cross out inapplicable provision)

- C. The undersigned commits 7 % of the total bid price as a subcontract to minority business enterprise participation. The MBE firms which are proposed as subcontractors are the following:

<u>Name of Firm</u>	<u>Address</u>	<u>Type of Work</u>
1. Copeland & Sons Trucking	721 Leesburg Rd.	Ft. Wayne, IN
2.		
3.		

- D. The undersigned commits 2 % of the total bid price as a subcontract to women business enterprise participation. The WBE firms which are proposed as subcontractors are the following:

<u>Name of Firm</u>	<u>Address</u>	<u>Type of Work</u>
1. Soils Engineering & Excavating, Inc.		
2.		
3.		

- E. Complete (1) and (2) below if participation goals of 7% MBE and 2% WBE have not been met.

1. My Company cannot meet the participation goals for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

2. We have taken the following steps in an attempt to comply with these participation goals: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
(attach additional sheets as necessary)

Contractor Land, Inc.

Contractor \_\_\_\_\_

By

By \_\_\_\_\_

Its President

Its \_\_\_\_\_



14. Minority/Female Hourly Employment Requirements.  
The City's policy is to encourage a greater utilization of minority and/or female employees in City construction projects. The Board has, therefore, adopted a minimum goal of 17% of the total work hours on each project to be expended by minority and/or female employees. ("Minority" shall include: Blacks, Hispanic, Asian, Pacific Islander, American Indian or Alaskan Native.)

The bidder shall state in "A" below the percentage of total work hours which the bidder and his subcontractors will employ and utilize women and minority employees on this project. If a contract is awarded as a result of this bid, the percentage figure set forth in "A" shall become contractually binding on the bidder. The successful bidder will also be required to prepare reports for the City demonstrating compliance with this percentage and will allow city officials access to his records, facilities and work site and to those of his subcontractors to determine compliance.

The bidder must fill in the required blanks in this clause in order to be responsive to this IFB. If the bidder does not meet or exceed the hourly utilization goal of 17% minority/female participation, the reasons for this failure and reasonableness and good faith of efforts to meet this goal shall be evaluated to determine whether the bidder is responsible.

THE FOLLOWING IS THE UNDERSIGNED'S COMMITMENT TO MINORITY/FEMALE HOURLY UTILIZATION.

A. The undersigned firm certifies that it will employ and utilize minorities and females and/or will ensure that its subcontractors employ and utilize minorities and females so that minorities and females will work at least 17% of the total hours worked on this project.

B. Complete (1) and (2) below if the hourly utilization figure set forth in "A" is less than 17%.

1. My Company and its subcontractors cannot meet the 17% minimum hourly utilization figure for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



2. My Company has taken the following steps in an attempt to comply with the 17 1/2 hourly utilization figure:  
To date Land, Inc. has met this goal, and will continue to strive to do so.

(attach additional sheets if necessary)

Contractor Land Excavating, Inc.

By

Its Jack Braun, President

15. Required Prevailing Wage Schedule Payments - Pursuant to Indiana Code 5-16-7-1. All contractors and subcontractors working on the project awarded pursuant to this contract shall pay the prevailing wage rates for skilled, semi-skilled and unskilled laborers, workmen and mechanics. This wage determination has been made in accordance with the procedures set forth in Indiana Code 5-16-7-1. This determination and the required wage rates are available for examination by any prospective bidder at The Board of Public Works and Safety, 9th Floor, City-County Building, Fort Wayne, Indiana.

If a bidder is awarded a contract as a result of this Invitation for Bids, he/she/it shall file a schedule of wages, on forms provided by the City of Fort Wayne, demonstrating compliance with the wage rate determination. The successful prime contractor shall be responsible for obtaining schedules from all subcontractors. All schedules shall be filed before the contractor commences any work on the project.

Penalties for failure to pay the prevailing wage rate are set forth in Indiana Code 5-16-7-3.

16. Site Orientation. A site orientation (~~will~~/will not) be conducted by the City Engineers. If such an orientation is conducted, it will be held on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, commencing at \_\_\_\_ o'clock \_\_\_\_ M. at the site of the project.

Regardless of whether a site orientation is conducted or not, bidders are required to visit the site of the work, and inform themselves fully of the conditions, under which the work will be performed. The bidders shall be responsible for all conditions that affect the work, including, but not limited to all sub-surface conditions.



SCHEDULE  
Board of Public Works & Safety

The contractor agrees to furnish at his/her/its own cost all labor, insurance, materials, equipment and power for the complete performance of the following project:

**HAWTHORNE - McCLELLAN STORM SEWER  
RESOLUTION 442-87**

All work will be performed in accordance with: Resolution 442-1987, Instructions to Bidders, Bond forms, the IFB, this contract and the applicable plans, specifications and drawings for a TOTAL PRICE OF 116,082.15. If the unit prices are applicable, the contractor agrees to perform for those unit prices as set forth in the Schedule of Unit Prices attached hereto).

The work shall be commenced within ten (10) days after the Board issues a written notice to proceed. All work shall be completed within 90 days after issuance of the notice to proceed. Those days which the contractor cannot work because of severely inclement weather shall not be counted.

☐ Liquidated Damages Provision. (This clause shall be applicable to this contract only if the box contains a checkmark or an "X". It is hereby agreed by and between the City of Fort Wayne and Contractor that time is of the essence of this Agreement and the contractor agrees that it will complete the project herein defined on or before one hundred twenty (120) days after issuance of Notice to Proceed.

The parties agree that it is a business and governmental necessity that the project be completed by this date, that it will be difficult or impossible to make an accurate determination of the damages that would be incurred by the City of Fort Wayne, and therefore provide for liquidated damages in the sum of \$250.00 per day for each and every day after 90 days after issuance of notice to proceed that the project remains uncompleted. The parties agree that the sum of \$250.00 per day is a reasonable estimate as to damages which would be incurred by the City of Fort Wayne. The parties agree that delays in the completion date beyond the control of the contractor shall not result in liquidated damages.

Delays beyond the control of the contractor can include but are not necessarily limited to, the following: Acts of God, strikes, lockouts or industrial disturbances, acts of public enemies, restraining orders of any kind by the government of the United States of America or of the State of Indiana or any of their departments, agencies or officials or any civil or military authority, insurrections, riots, landslides, earthquakes, fires, incapacitating storms, floods and explosions.

In submitting this bid, it is understood that the right is reserved by the owner to reject any and all bids and to waive any defect in any bid.



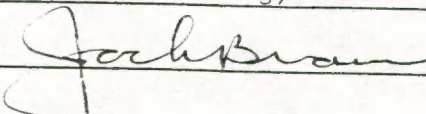
IN WITNESS WHEREOF, the bidder(s) (a firm) by its Owner(s) named below, hereunto set their hand(s) and seal(s) this \_\_\_\_ day of \_\_\_\_\_, 1987.

Firm Name: \_\_\_\_\_


By: \_\_\_\_\_

IN WITNESS WHEREOF, the bidder(s) (a corporation) has caused this proposal to be signed by its President and Secretary and affixed its corporate seal this 25 day of March, 1987.

Name of Corporation: Land Excavating, Inc.

By: 

ATTEST:





NON-COLLUSION AFFIDAVIT

The Bidder, by its Officers and \_\_\_\_\_

any \_\_\_\_\_

agents or representatives present at the time of filing this bid, being duly sworn on their oaths, say that neither they nor any of them have in any way, directly or indirectly, entered into any arrangement or agreement with any other bidder, or with any public officer of such City of Fort Wayne, Indiana, whereby such affiant or affiants or either of them, has paid or is to pay to such other bidder or public officer any sum of money, or has given or is to give such bidder or public officer anything of value whatever or such affiant or affiants or either of them has not directly or indirectly, entered into any arrangement or agreement with any other bidder or bidders, which tends to or does lessen or destroy free competition in the letting of the contract sought for by the attached bids, that no inducement of any form or character other than that which appears upon the face of the bid will be suggested, offered, paid or delivered to any person whomsoever to influence the acceptance of the said bid or awarding of the contract, nor has this bidder any agreement or understanding of any kind whatsoever, with any person whomsoever to pay, deliver to, or share with any other person in any way or manner, any of the proceeds of the contract sought by this bid.

Jack Braun  
\_\_\_\_\_  
Jack Braun, President

\_\_\_\_\_  
Land Excavating, Inc.

Subscribed and sworn to before me by  
this 25<sup>th</sup> day of March, 1987.

\_\_\_\_\_  
Jack Braun

My Commission Expires:

\_\_\_\_\_  
April 28, 1990

Joy Braun  
\_\_\_\_\_  
Notary Public  
Resident of Noble County

\*\*\*\*\*

Subscribed and sworn to before me by  
this \_\_\_\_ day of \_\_\_\_\_, 198\_\_\_\_.

My Commission Expires:

\_\_\_\_\_  
Notary Public  
Resident of \_\_\_\_\_ County

\*\*\*\*\*

Subscribed and sworn to before me by  
this \_\_\_\_ day of \_\_\_\_\_, 198\_\_\_\_.

My Commission Expires:

\_\_\_\_\_  
Notary Public  
Resident of \_\_\_\_\_ County



CERTIFICATE IN LIEU OF FINANCIAL STATEMENT

I, Jack Braun, the President  
Position of Land Excavating, Inc.  
Company

hereby certify:

1. That the Financial Statement of said company, dated the 31 day of March 1986, now on file in the office of the Board of Public Works & Safety is by reference incorporated herein and made a part hereof, is a true and correct statement and accurately reflects the financial condition of said company as of the date hereof:
2. That I am familiar with the books of said Company showing its (financial) condition and am authorized to make this certificate on its behalf.

Dated: 3-25-87

Jack Braun  
Signature  
President  
Title

Subscribed and sworn to before me, a Notary Public, in and for said County and State this 25 day of March, 1987.

Jack Braun  
Notary Public  
Resident of Moble County

My Commission Expires:

April 28, 1990



CERTIFICATION OF BIDDER/VENDOR

The undersigned, on behalf of Land Excavating, Inc.

\_\_\_\_\_, does hereby make the following representations  
to the City of Fort Wayne, Indiana.

WHEREAS, it is acknowledged that the Common Council  
of the City of Fort Wayne, Indiana, has passed an ordinance con-  
demning the apartheid policies of the country of South Africa;

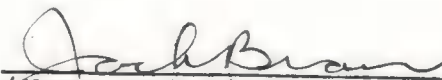
WHEREAS, Council's ordinance requires that all persons,  
firms or corporations submitting bids to the City, for goods and  
services, certify, as part of the bid, that such entity does not  
support the policies of apartheid in South Africa.

The undersigned states, on behalf of \_\_\_\_\_  
Land Excavating, Inc., that Land Excavating, Inc.  
does not support or endorse the policy of apartheid in South Africa.

IN WITNESS WHEREOF, this Certification has been signed  
this 25th day of \_\_\_\_\_ March, 1987.

Land Excavating, Inc.

(Name of Bidder/Vendor)



(Name and Title of Person Signing)

Jack Braun, President



## SCHEDULE OF ITEMS

DATE:

PROJECT: HAWTHORNE - McCLELLAN STORM SEWER

RES. NO: 442-1987

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE (\$)	EXTENSION (\$)
1	24" RCP Class III w/'O' Ring	737	LF		
2	18" RCP Class III w/'O' Ring	150	LF	39.70	29,258.90
3	15" RCP Class III w/'O' Ring	485	LF	25.95	3,892.50
4	12" RCP Class IV w/'O' Ring	1020	LF	21.80	10,573.00
5	Manhole Type II-A	1	EA	13.00	13,200.00
6	Manhole Type I-A	7	EA	2585.00	2,585.00
7	Manhole Type I-F	1	EA	2165.00	15,155.00
8	C.F.W. Inlet	14	EA	2235.00	2,235.00
9	Reconstruct Catch Basin to Inlet	8	EA	740.00	10,300.00
10	Special Backfill #53-#73 Stone	1190	CY	320.00	2,560.00
11	Double Chip and Seal	3600	SY	1.15	9,222.50
12	#11 Stone for Alley & Driveways	45	TN	2.40	8,640.00
13	2" Seed & Mulch, inc. Topsoil	240	SY	13.10	589.50
14	Concrete Curb	30	LF	0.50	120.00
15	Abandon Exist. CatchBasin or Inlet	3	EA	9.25	277.50
16	Remove Existing 12" CMP	60	LF	130.00	390.00
17	Adjust Water Service	3	EA	1.00	420.00
18	Concrete Pavement 6" Plain	285	SY	0.00	0.00
19	Concrete Walk (5')	40	SY	20.25	5711.25
				19.30	772.00

E&amp;I:

TOTAL:

116,082.15



# RELIANCE INSURANCE COMPANY

HEAD OFFICE, PHILADELPHIA, PENNSYLVANIA

## BID BOND

Bond No. \_\_\_\_\_

APPROVED BY THE AMERICAN INSTITUTE OF ARCHITECTS

A.I.A. DOCUMENT NO. A-310 (FEB. 1970 ED.)

KNOW ALL MEN BY THESE PRESENTS, that we LAND EXCAVATING, INC.

P.O. Box 192

LaOtto, IN 46763

as Principal, hereinafter called the Principal, and the RELIANCE INSURANCE COMPANY of Philadelphia, Pennsylvania, a corporation duly organized under the laws of the State of Pennsylvania, as Surety, hereinafter called the Surety, are held and firmly bound unto Board of Public Works & Safety City of Fort Wayne City-County Building Fort Wayne, IN

as Obligee, hereinafter called the Obligee, in the sum of 5% of the amount of the attached

bid----- Dollars (\$ -----), for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for Hawthorne McClellan Storm Sewer Resolution 442-87

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the Work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 25th day of March A.D. 19 87

Jay Beason  
(Witness)

LAND EXCAVATING, INC.

(Principal)

(Seal)

Jack Braun  
PRESIDENT (Title)

RELIANCE INSURANCE COMPANY

Gerald C. Kramer, Jr.  
Gerald C. Kramer, Jr., Attorney-In-Fact



# RELIANCE INSURANCE COMPANY

HEAD OFFICE, PHILADELPHIA, PENNSYLVANIA

## POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, That the RELIANCE INSURANCE COMPANY, a corporation duly organized under the laws of the State of Pennsylvania, does hereby make, constitute and appoint Donald R. Rush, Gerald C. Kramer, Jr., Fred L. Tagtmeyer, Walter E. Manske, Louis H. Andrews, William G. Niezer and George A. Hannin, individually, of Fort Wayne, Indiana

its true and lawful Attorney-in-Fact, to make, execute, seal and deliver for and on its behalf, and as its act and deed any and all bonds and undertakings of Suretyship,

and to bind the RELIANCE INSURANCE COMPANY thereby as fully and to the same extent as if such bonds and undertakings and other writings obligatory in the nature thereof were signed by an Executive Officer of the RELIANCE INSURANCE COMPANY and sealed and attested by one other of such officers, and hereby ratifies and confirms all that its said Attorney(s)-in-Fact may do in pursuance hereof.

This Power of Attorney is granted under and by authority of Article VII of the By-Laws of RELIANCE INSURANCE COMPANY which became effective September 7, 1978, which provisions are now in full force and effect, reading as follows:

### ARTICLE VII - EXECUTION OF BONDS AND UNDERTAKINGS

1. The Board of Directors, the President, the Chairman of the Board, any Senior Vice President, any Vice President or Assistant Vice President or other officer designated by the Board of Directors shall have power and authority to (a) appoint Attorneys-in-Fact and to authorize them to execute on behalf of the Company, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and (b) to remove any such Attorney-in-Fact at any time and revoke the power and authority given to him.

2. Attorneys-in-Fact shall have power and authority, subject to the terms and limitations of the power of attorney issued to them, to execute and deliver on behalf of the Company, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof. The corporate seal is not necessary for the validity of any bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof.

3. Attorneys-in-Fact shall have power and authority to execute affidavits required to be attached to bonds, recognizances, contracts of indemnity or other conditional or obligatory undertakings and they shall also have power and authority to certify the financial statement of the Company and to copies of the By-Laws of the Company or any article or section thereof.

This power of attorney is signed and sealed by facsimile under and by authority of the following Resolution adopted by the Board of Directors of RELIANCE INSURANCE COMPANY at a meeting held on the 5th day of June, 1979, at which a quorum was present, and said Resolution has not been amended or repealed:

"Resolved, that the signatures of such directors and officers and the seal of the Company may be affixed to any such power of attorney or any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached."

IN WITNESS WHEREOF, the RELIANCE INSURANCE COMPANY has caused these presents to be signed by its Vice President, and its corporate seal to be hereto affixed, this 15th day of August 1983.



RELIANCE INSURANCE COMPANY

Vice President

STATE OF Pennsylvania }  
COUNTY OF Philadelphia } ss.

On this 15th day of August, 1983, personally appeared Raymond MacNeil

to me known to be the Vice-President of the RELIANCE INSURANCE COMPANY, and acknowledged that he executed and attested the foregoing instrument and affixed the seal of said corporation thereto, and that Article VII, Section 1, 2, and 3 of the By-Laws of said Company and the Resolution, set forth therein, are still in full force.

My Commission Expires:

May 24, 1986



Notary Public in and for State of Pennsylvania

Residing at Philadelphia

I, James F. Marckstein, Assistant Secretary of the RELIANCE INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney executed by said RELIANCE INSURANCE COMPANY, which is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Company this 25th day of March 1987.



Assistant Secretary







7568

Admn. Anpr.

TITLE OF ORDINANCE Contract for Res. 442-87, Hawthorne-McClellan Storm  
Sewer

DEPARTMENT REQUESTING ORDINANCE Board of Public Works &amp; Safety

SYNOPSIS OF ORDINANCE The Contract for Resolution 442-87, Hawthorne-McClella

Storm Sewer is for the following: Main Line: Beginning at an existing  
24" storm sewer located 44+ L.F. north of the centerline of Paulding Road  
and 11+ L.F. east of the centerline of McClellan Street; thence north  
220+ L.F. to structure #1; thence north 217+ L.F. to structure #2; thence  
east 150+ L.F. to structure #3, thence east 150+ L.F. to structure #4;  
thence east 175+ L.F. to structure #5; thence east 145+ L.F. to structure  
#6; thence south 150+ L.F. to structure #7 and the end of the main line.

Lateral #1: Beginning at proposed structure #2; thence west 195+ L.F. to  
structure #8; thence west 128+ L.F. to structure #9 and the end of Lateral  
#1. Land Excavating, Inc., is the contractor. J-87-04-31

The total cost of said storm sewer improvement project shall be paid by  
funds from the City of Fort Wayne Sewer Utility.

Said sewers shall be 12", 15" 18", and 24" in diameter.

EFFECT OF PASSAGE Improved sewer conditions at above location.

EFFECT OF NON-PASSAGE

MONEY INVOLVED (DIRECT COSTS, EXPENDITURE, SAVINGS) \$116,082.15

ASSIGNED TO COMMITTEE

BILL NO. S-87-04-31

REPORT OF THE COMMITTEE ON CITY UTILITIES

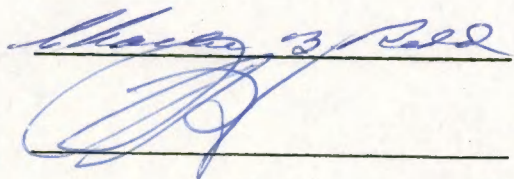
WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS

REFERRED AN (ORDINANCE) ~~XXXXXXXXXX~~ (RESOLUTION) approving the Contract for  
Resolution 442-1987, Hawthorne-McClellan Storm Sewer, between Land  
Excavating, Inc., and the City of Fort Wayne, Indiana, in connection  
with the Board of Public Works and Safety

HAVE HAD SAID (ORDINANCE) ~~XXXXXXXXXX~~ (RESOLUTION) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)  
~~XXXXXXXXXX~~ (RESOLUTION)

YES

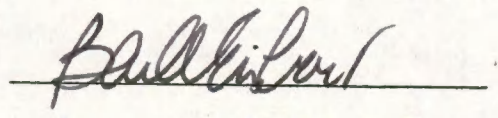
NO



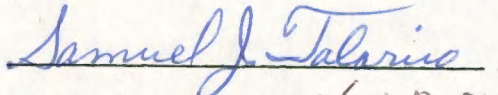
CHARLES B. REDD  
CHAIRMAN

PAUL M. BURNS  
VICE CHAIRMAN

THOMAS C. HENRY



BEN A. EISBART



SAMUEL J. TALARICO

CONCURRED IN 4-28-87.

SANDRA E. KENNEDY  
CITY CLERK